

EXHIBIT 5

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

IN RE: PHEN-FEN LITIGATION : CONTROL NO. 114005

Hannah Abercrombie v. Wyeth, et al.	: March Term, 2007, No. 3977
Diane Bramlette v. Wyeth, et al.	: September Term, 2007, No. 2737
April Carver v. Wyeth, et al.	: November Term, 2006, No. 0917
Rose Casassa v. Wyeth, et al.	: November Term, 2006, No. 3843
Aretha Coleman-Terry v. Wyeth, et al.	: February Term, 2007, No. 1296
Edna Faye Crowder v. Wyeth, et al.	: November Term, 2006, No. 0972
Christa Dillard v. Wyeth, et al.	: April Term, 2007, No. 4476
Tamara Hayes v. Wyeth, et al.	: March Term, 2007, No. 3650
Carolyn D. Holmes v. Wyeth, et al.	: September Term, 2007, No. 2728
Maria Maruzzella v. Wyeth, et al.	: March Term, 2007, No. 1803
Nickalyn Gayle Roberts v. Wyeth, et al.	: June Term, 2007, No. 2448

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PURSUANT TO PA.R.P.C. 4003(b)

ORDER

JAN 8 - 2008

FIRST JUDICIAL DISTRICT OF PA
L. RYANT-DAVIS

AND NOW, this 8th day of January, 2008, the Court has before it Defendant's Motion to

Preclude Inappropriate Communication with and Influencing of Treating Physicians.

Defendant's Motion must be denied because it seeks to have this Court perform what would be an amendment of Pa.R.P.C. No. 4003.6. This Court is not empowered to perform such acts. The rule and comment thereto are clear and plain in text and therefore no ambiguity exists which would require any interpretation by this Court.


Defendant's relief appears to be more in the line of some form of preclusion of the testimony based upon Defendant's allegation of improper influence. The factual record afforded this Court does not support such relief and denial of the Motion is appropriate.

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JAN 8 - 2008

L. RYANT-DAVIS

BY THE COURT:


ALLAN L. TERESHKO
Coordinating Judge
Complex Litigation Center